

# United States District Court

## WESTERN DISTRICT OF MICHIGAN

UNITED STATES OF AMERICA

v.

WILLIAM MICHAEL JENNINGS

**ORDER OF DETENTION PENDING  
REVOCATION HEARING**

Case Number: 1:04-CR-75

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending revocation hearing in this case.

### Part I - Findings of Fact

- ☐ (1) The defendant is charged with an offense described in 18 U.S.C. §3142(f)(1) and has been convicted of a (federal offense) (state or local offense that would have been a federal offense if a circumstance giving rise to federal jurisdiction had existed) that is
- ☐ a crime of violence as defined in 18 U.S.C. §3156(a)(4).
- ☐ an offense for which the maximum sentence is life imprisonment or death.
- ☐ an offense for which the maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_
- ☐ a felony that was committed after the defendant had been convicted of two or more prior federal offenses described in 18 U.S.C. §3142(f)(1)(A)-(C), or comparable state or local offenses.
- ☐ (2) The offense described in finding (1) was committed while the defendant was on release pending trial for a federal, state or local offense.
- ☐ (3) A period of not more than five years has elapsed since the (date of conviction) (release of the defendant from imprisonment) for the offense described in finding (1).
- ☐ (4) Findings Nos. (1), (2) and (3) establish a rebuttable presumption that no condition or combination of conditions will reasonably assure the safety of (an)other person(s) and the community. I further find that the defendant has not rebutted this presumption.

### Alternate Findings (A)

- ☐ (1) There is probable cause to believe that the defendant has committed an offense
- ☐ for which a maximum term of imprisonment of ten years or more is prescribed in \_\_\_\_\_
- ☐ under 18 U.S.C. §924(c).
- ☐ (2) The defendant has not rebutted the presumption established by finding 1 that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

### Alternate Findings (B)

- ☐ (1) There is a serious risk that the defendant will not appear.
- ☒ (2) There is a serious risk that the defendant will endanger the safety of another person or the community.

Following a prison term for a violent armed robbery of a credit union followed by a police chase, which defendant attributed to the use of cocaine, defendant was ultimately released and placed on supervision on December 16, 2013. He did well on supervision until May 28, 2015, when he used cocaine. Defendant denied use but eventually stated he was around friends who he knew used cocaine and concluded they must have put cocaine in his smoothie. He was placed on increased testing, but no further action was taken. (continued on attachment)

### Part II - Written Statement of Reasons for Detention

Defendant has failed to show by clear and convincing evidence that he will not be a danger to the community by his continued use of cocaine. He has shown by his abstinence of the use of cocaine in the past that he can control his use of it, but now has used it twice within eleven days, and has not taken responsibility for it either time, thus precluding any effort the Court could make to help him. On the other hand, if he is not addicted to it and cannot help himself, the Court is still precluded from helping him because he does not taken responsibility.

### Part III - Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

Dated: June 25, 2015

/s/ Hugh W. Brenneman, Jr.

*Signature of Judicial Officer*

Hugh W. Brenneman, Jr., United States Magistrate Judge

*Name and Title of Judicial Officer*

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**Alternate Findings (B) - (continued)**

Eleven days later defendant tested positive for cocaine again, which gives rise to the present matter. Again, defendant has denied use of cocaine, contending that a cigar given to him by his daughter's boyfriend, a cocaine user, was possibly laced with cocaine.

In years past, cocaine has been defendant's drug of choice and he has used it as much as three to four times per week.